

AUTHORIZING THE COMMISSIONER'S COURT TO CREATE
WATER IMPROVEMENT DISTRICTS AND PROVIDING
METHOD OF OPERATION FOR SAME.

S. B. No. 18.]

CHAPTER 28.

An Act to amend Sections 1, 7, 8, 9, 10, 13, 15, 17, 19, 23, 33, 53, 56, 57, 60, 65, 69, 70, 80, and 108 of Chapter 87 of the Acts of the Thirty-fifth Legislature, Regular Session, and Section 15 as amended by Chapter 53 Acts 35th Legislature, Fourth Called Session; providing for the organization and operation of water improvement districts and adding to said Act certain new Sections numbered 118a, 119, 120, 121. Giving the Commissioners' Court authority to create water improvement districts, and providing the method of creation and operation of such districts under the authority granted by Section 52 of Article 3 of the Constitution of Texas, or under Section 59 of Article 16 of the Constitution. Providing the requisite of petition for organization for notice of hearing thereon and ordering of elections to establish such districts and declaring the result thereof. Providing for the government of such districts, the election of directors and appointment of tax assessors and collectors, the method of issuing bonds by such district, and issuing notes and other obligations, the levying, assessing and collecting of taxes by such districts. Providing the method of organizing districts embracing territory in two or more counties, providing for the construction of improvements by joint action of two or more districts, providing for the consolidation of districts, providing for districts under the authority granted by Section 59 of Article 16 of the Constitution, to furnish water for domestic, power and commercial purposes, providing additional methods of raising funds by charges for the use of water and by taxation, providing generally for the organization, operation and conduct of water improvement districts, providing the method of excluding lands from such district, providing for compensation of officers of such districts, repealing all laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. That Sections 1, 7, 8, 9, 10, 13, 17, 19, 23, 33, 53, 56, 57, 60, 65, 69, 70, 80 and 108 of Chapter 87 Acts of the Thirty-fifth Legislature, Regular Session, and Section 15 thereof as amended by Chapter 53, Acts Thirty-fifth Legislature Fourth Called Session, providing for the organization and operation of water improvement districts be and the same are hereby so amended that hereafter they shall read as follows:

"SECTION 1. The county commissioners' court of any county in this State at any regular or called session thereof may establish one or more water improvement districts in their respective counties, or parts of such districts therein, in the manner hereinafter provided. Such districts may or may not include within their boundaries villages, towns, cities and municipal corporations, or any part thereof, but no land shall be at the same time included within the boundaries of more than one water improvement district created under this Act. Such districts when so established may make improvements or may purchase improvements already existing, or may purchase improvements and make additions thereto, and may issue bonds in payment therefor, as herein provided. Such districts being authorized to provide

for the irrigation of the land included therein, and when operating under Section 59 of Article 16 of the Constitution, furnish water for domestic, power and commercial purposes. Such districts may be formed for corporation with the United States under the Federal Reclamation Laws for the purpose of the construction of irrigation works, including drainage works, necessary to maintain the irrigability of the land for the purchase, extension operation or maintenance of constructed works or for the assumption, as principal or guarantor, of indebtedness to the United States on account of district lands.

The petition herein provided for to be presented to the county commissioners' court shall be signed by a majority in number of the holders of title to the lands situated within the proposed district and representing a majority in value of the lands therein as indicated by the county tax rolls; provided, however, that such petition shall be sufficient if same is signed by fifty holders of title or evidence of title to the land situated within the proposed district, in the event that the number of such land owners should be greater than fifty in number. Upon presentation to the Commissioners' court either at a regular or special session, of a petition as herein provided, praying for the establishment of a water improvement district, setting forth the boundaries thereof and designating a name for the district, the commissioners court shall set the same for hearing at some regular or special session to be held not less than fifteen days nor more than forty days from the presentation of said petition. The Clerk of said court shall issue a notice of the said hearing, giving the date and place of hearing, and a copy of the order of the court setting same for hearing. Said notice shall be directed to the sheriff of the county requiring him to serve the notice in the manner provided by law. Said notice shall be sufficient if it contains the matter herein provided, and all persons interested shall take notice of the boundaries of said district as set out in the petition and may inspect same by examining the same in the office of the clerk of said court.

The sheriff shall execute said notice by posting true copies thereof in three public places within said proposed district and one at the courthouse door of the county, or on the bulletin board used for public notices at the county courthouse. Said notices shall be posted for ten full days prior to the date of said hearing. Said notice shall also be published in a newspaper of general circulation in the county, if a newspaper is published therein, one time and at least five days prior to such hearing. The sheriff shall make due return of a true copy of said notice, showing the time when and the places where such notice was posted and published. The said return to be delivered to the clerk of the commissioners court, and to be recorded in the minutes of said court.

The duties herein imposed upon the clerk and sheriff may be performed by them acting by themselves or their deputies as provided by law for other similar duties. When conditions may make desirable, the petition herein provided for may be signed and presented to the court in several copies. When such petition is so presented in more than one copy the clerk shall file all such copies and shall make a true copy thereof, including a list of all those who have

signed the several copies, and certify thereto and file same. Such certified copy shall be considered the petition in all other proceedings provided for by this Act.

Water improvement districts to be organized as provided herein are defined districts under the authority granted by Section 52 of Article 3 of the Constitution of the State.

SEC. 7. The manner of conducting elections herein provided for shall be governed by the general election laws of the State, except as herein otherwise provided. At such elections none but resident property tax payers who are qualified voters under the laws of the State shall be entitled to vote. The county commissioners court shall at the time of ordering said first election by an order entered of record, create said proposed district, or the part thereof within said county, into one or more election precincts and shall name a polling place in each voting precinct, and shall appoint two judges and two clerks for each polling place, one of the judges to be designated as presiding judge. If said officers so selected fail to serve, his place shall be filled in the manner provided by the general election laws. The court shall order printed one and a half times as many ballots for said election as there are estimated to be qualified voters within such district. Said ballots for said first election shall have printed thereon substantially the following: "For Water Improvement District" and "Against Water Improvement District," and said ballot shall contain five blank lines on which to write names "of the persons voted for, for the office of director, with a heading "For Directors, five to be elected." No other matter shall be placed on said ballot except the heading "Official Ballot."

The election precincts herein provided to be created shall be and continue the election precincts of said district until changed by an order of the board of directors.

SEC. 8. It shall be the duty of the tax collector of the county before a water improvement district is formed, and of the tax collector of the district after its organization, to make a certified list of the property tax payers of said district, or part thereof in the county, and to furnish same to the officers of the election of each polling place, and before any person is entitled to vote at any election under this Act his name must appear in said certified list of property tax payers; provided, however, that a qualified voter who is a property tax payer in said district or proposed district, and whose name does not appear upon said list, shall be entitled to vote if he shall first take the following oath, to be administered by an election judge and which the judges of the election are authorized to administer; "I do solemnly swear (Or affirm) that I am a qualified voter under the laws of the State of Texas, and that I am a resident property tax payer of _____ (inserting the name of the district) and I did not acquire such property prior to this election for the purpose of voting, but I am a bona fide property taxpayer."

SEC. 9. The officers of the election shall make returns for each polling place in the same manner as provided by law for general elections, and the county commissioners court shall canvass said re-

turns in the manner provided by law. If a majority of said votes be cast in favor of the organization of said district, then the court shall declare the result of said election in favor of the establishment of said district and shall enter same in the minutes of said court. The court shall also canvass the votes for directors and declare the election of the five persons receiving the highest number of votes for said office; provided, that should it be found that two or more persons had received the same number of votes so as to make it a tie for the office between them, then the said court shall select one of said persons to fill such position. In the event said district is composed of territory lying in two or more counties the said returns shall be canvassed and the result declared as herein-after provided.

SEC. 10. If the result of said election be in favor of the establishment of the district, the county commissioners court shall make and enter in the minutes of said court an order setting forth facts substantially as follows: "In the matter of the petition of....., and others praying for the establishment of a water improvement district, as in said petition described, and named:....., be it known that an election was called for that purpose in said district, and held on the day A. D. 19.., and a majority of the resident tax payers voting thereat voted in favor of the creation of said district. Now, therefore, it is declared that said district has been legally established under the name of with the following metes and bounds: (here copy description of boundaries.)"

When a district is created including territory in two or more counties the officer charged with the duty of declaring result of said election shall use substantially the same form.

All districts lying wholly in one county shall include in its name the name of the county in which it is located as a part of its name, and shall be numbered consecutively as created and established. A district lying partly in two or more counties may include the names of said counties in its name or may adopt any appropriate name.

The numbers of districts created hereafter shall not conflict with the numbers of irrigation or water improvement districts heretofore created, but shall be consecutively continued, and when a district lying in two or more counties has adopted a number as part of its name such number shall not be the same as that of any other district in either of said counties, and the numbers of districts created in either of said counties shall not conflict therewith.

SEC. 13. The directors of such district shall organize by electing one of their number as president and one as secretary. The directors may elect a president pro tem, and a secretary pro tem, to act in the absence or inability of the president or secretary. Any three directors shall constitute a quorum at any meeting, and a concurrence of three shall be sufficient in all matters pertaining to the business of the district except the letting of construction contracts and the drawing of warrants on the depository, which shall require the concurrence of four of such directors; provided, however, warrants to pay the current expenses, salaries, and labor and material accounts,

may be drawn by an officer or employee, designated by standing order of the directors, when such accounts have been contracted and ordered paid by the directors.

SEC. 15. The office of tax assessor and collector is one office to be filled by one person. The tax assessor and collector shall be appointed by the directors, or if the directors so order, may be elected by an election held for that purpose. He shall qualify by making and entering into a good and sufficient bond, signed also by at least two good and sufficient sureties, to be approved by the board of directors, in the sum of five thousand dollars (\$5,000.00), conditioned for the faithful performance of his duties as tax assessor and collector and for the paying over to the depository all funds or sums of money or other thing of value, coming into his hands as such collector. The directors may require additional bonds or a bond in a larger amount or additional security at any time that same may be advisable in their judgment. The assessor and collector shall be a resident of the district, or any town within the general boundaries of the district, and shall be a qualified voter in the county of his residence. The compensation to be paid to the tax assessor and collector, or deputy tax assessor and collector shall be fixed by the board of directors, but shall not exceed \$3,000.00 per year. One or more deputies may be appointed by the board of directors to assist the tax assessor and collector for such time not to exceed one year as may be ordered by the board. Such deputies shall perform such duties as the board may order and may be discharged at any time by the board. The amount of bond given by such deputies shall be determined at the time of their appointment or as occasion may require. The board of directors may require the tax assessor and collector to perform other duties than those herein fixed and may fix his additional compensation if any therefor. In case any district organized hereunder is appointed fiscal agent of the United States, or by the United States is authorized to make collections of money for and on behalf of the United States in connection with any Federal reclamation project, such assessor and collector and each director, shall execute a further additional bond in such sum as the Secretary of the Interior may require, conditioned for the faithful discharge of the duties of his respective office and the faithful discharge by the district of its duties as fiscal or other agent of the United States under such appointment or authorization; such additional bonds to be approved, recorded and filed as herein provided for other official bonds, and any such additional bonds may be used on by the United States or by any person injured by the failure of such officer or the district, to fully, promptly and completely perform their respective duties.

SEC. 17. The owner or owners of the fee of any land constituting a portion of any district may file with the board of directors of such district a petition praying that certain lands owned by them be excluded from and taken out of said district. The petition shall describe the lands which the petitioners desire to have excluded by metes and bounds and such petition must be acknowledged in the same manner and form as is required by law for the conveyance of real estate. Such petition may be filed at any time prior to the issuance of bonds by such district.

SEC. 19. The board of directors, at any time and place designated in such notice, or at such time and place as such hearing may from time to time be adjourned to, shall proceed to hear the petition and all objections thereto, and shall determine whether or not said lands, or any portion thereof, shall remain as a portion of said district or be excluded therefrom; and if upon such hearing the directors shall determine that the land desired to be withdrawn or any portion thereof is not susceptible to irrigation by gravity from the system to be provided, or for other reasons should be allowed to be withdrawn, then such lands shall be excluded by granting such petition in whole or in part, and such excluded lands and the owners thereof thereby waive all right to be served with water from such irrigation system or by said district.

SEC. 23. All districts established under the provisions of this Act may sue and be sued in any and all courts of this State in the name of such district, and all courts of this State shall take judicial knowledge and notice of the establishment of such district and the boundaries thereof, and such district shall contract and be contracted within the name of such districts.

SEC. 33. The members of the board of equalization and the secretary while acting as secretary of said board, shall receive such compensation for their services as may be fixed by the board of directors of the district, not to exceed, however, the sum of six dollars per day for the time actually engaged in the discharge of such duties.

SEC. 53. Notice of such election stating the maximum amount of bonds to be issued, which amount shall not exceed the engineers estimate, together with the amount of incidental expenses, organization expenses, and the cost of additional work which it may become necessary to add to the engineer's estimate by any change or modification made by the directors of the district in the proposed work; also stating the proposed maximum interest rate thereon, and the proposed maximum maturity date of said bonds; also stating the time and place of holding the election, shall be given by the secretary of the board of directors, as ordered by the directors, by posting notices thereof in four public places in such district and one at the courthouse door of the county or counties in which said district is situated. Such notice shall be posted for at least twenty days prior to the date of the election. Said notice shall also be published in the manner prescribed in Section 43 Chapter 87, Acts Thirty-fifth Legislature Regular Session.

The said notice shall contain substantially the proposition to be voted on as herein provided; provided, however, the bonds so voted upon may be issued to mature in serial form at any date not to exceed the maximum date stated in the notice and may be issued at any rate of interest not to exceed the rate of interest stated in such notice. Said notice shall also contain a summary of the engineer's estimate of the cost of construction of the proposed improvements, and estimate of cost of purchase of any existing improvements to be purchased, together with additions thereto as herein provided. If, however, contract with the United States is proposed for election, the notice shall state the maxi-

imum amount of money payable for construction purposes, exclusive of penalties and interest.

SEC. 56. Immediately after the election the presiding judge at each polling place shall make return of the result in the same manner as provided by law in general elections, such return to be made to the Secretary of such district, who shall keep same in a safe place, and deliver them together with the returns from the several polling places to the directors of such district, who shall at a regular session or a special session called for that purpose, canvass said returns and declare the results thereof. In a district operating under authority of Section 59 of Article 16 of the Constitution a majority vote is required in favor of the issuance of bonds and in other districts a two-thirds majority is required. If said canvass of said returns shows said bond issue to have been adopted or said election to have been in favor of making contract with the United States, as the case may be, and the levy of tax, then said directors shall declare the result of said election to be in favor of the issuance of the bonds, or in favor of the making of contract with the United States, and the levy of tax and payment therefor, and shall cause the same to be entered in their minutes.

SEC. 57. After the canvass of the vote and declaring the result, as provided for in the preceding section, the directors for said district shall make, enter and order directing the issuance of bonds, or authorizing the execution of contract with the United States for such district, as the case may be, sufficient in amount to pay for such proposed improvements, together with all necessary incidental expense connected therewith, not to exceed the amount specified in the order for the election and the notice of election. In districts organized under the authority of Article 52 of Section 3 of the Constitution the amount of such bonds, or the amount of contract indebtedness with the United States, shall not exceed in amount one-fourth of the actual assessed value of the real property in such district, as shown by the assessment thereof made for the purpose of determining the value thereof, or at the last annual assessment as provided for in this Act. This limitation of indebtedness of one-fourth of the assessed value shall not apply to districts organized under the authority of Section 59 of Article 16 of the Constitution. Provided, however, that if, after an election has been held for the issuance of bonds or for contract with the United States, and the tax authorized and levied, and bonds have been authorized to be issued, or have been issued as provided for in this Act, or contract with the United States authorized or executed, as the case may be, the directors for said district shall consider it necessary to make any modifications in said district, or in any of the improvements thereof, or shall determine to purchase or construct any further or additional improvements therein and issue additional bonds upon the report of the engineers, or shall determine to make supplemental contract with the United States, or upon its own motion may find it necessary to make said additional improvements, or purchase additional property in order to carry out the purpose for which said district was organized, or to best serve the interests of said district, said finding shall be entered of record, and no-

tice of an election for the issuance of said bonds, or for the authorization of contract with the United States, shall be given, and such election held within such times, and the returns of such election made as hereinbefore provided for in cases of original election, and the result thereof determined in the same manner. If the result of such election be declared to be in favor of the issuance of such bonds or the making of such contract with the United States, said directors may order such bonds to be issued, or may negotiate and execute supplemental contract with the United States as in the manner provided in this Act. And provided, that if a contract is made with the United States as in Section 21 hereof provided, and bonds are not to be deposited with the United States in connection with said contract, bonds need not be issued, or if required to raise funds in addition to the amount of such contract, said bonds shall be issued only in the amount needed in addition thereto. Provided further, that whenever such a district shall have constructed or purchased improvements and same shall be damaged so that it may be necessary to raise funds to repair such damage, such district may either issue bonds to secure such funds or may issue its notes to run not to exceed twenty years, and to bear interest at not to exceed six per cent per annum. Before such notes are issued, the board of directors shall order an election and give notice thereof as required in bond issues stating the purpose for which they are to be issued, the time they are to run, and the rate of interest they are to bear, and the time and place of said election. The ballots for such election shall have printed thereon "For Issuance of Notes" and "Against Issuance of Notes". The election shall be held and returns made and canvassed as provided for bond elections. If two-thirds majority of those voting at such election voted in favor of the issuance of such notes, the board of directors may issue same and sell same for the benefit of said district. Such notes shall not be issued in an amount of more than thirty thousand dollars. At the time such notes are issued or sold the board of directors shall levy a tax for the purpose of paying the interest thereon and creating a sinking fund sufficient to pay such interest and to pay said notes within the time of their maturity. Said notes may be issued in serial form to mature in installments as determined by the directors.

SEC. 60. Any such district in this State desiring to issue bonds in accordance with this Act shall, before such bonds are offered for sale, bring an action in the district court in any county of the judicial district in which said district, or any part thereof, may be situated or in the district court of Travis County, to determine the validity of any such bonds, or such district contracting with the United States in accordance with this Act, shall, if requested by the Secretary of the Interior, bring an action in said court to determine the validity of said contract. Such action shall be in the nature of a proceeding in rem, and jurisdiction of all parties interested may be had by publication of a general notice thereof once each week for at least two consecutive weeks in some paper of general circulation published in the county or counties in which such district is situated, and if no paper is published in the county then same shall be published in a paper in the nearest county thereto where a paper is published. No-

tice shall also be served upon the Attorney General of the State of Texas of the pendency of said action in the same manner as in civil suits. The Attorney General may waive service in such suits when furnished a full transcript of the proceedings had in the formation of such district and in connection with the issuance of said bonds, or in connection with the authorization of said contract with the United States and a copy of the contract.

SEC. 65. The county commissioners court in the county in which such district may be situated, in whole or in part, shall provide a well bound book in which a list of said bonds shall be kept by the county clerk, showing their numbers, amount, rate of interest, date of issue, when due, where payable, and said book shall be a public record.

SEC. 69. There is hereby created what shall be termed the "Interest and Sinking Fund" for such district, and all taxes collected under the provisions of this Act, for such fund, shall be credited to such fund, and shall never be paid out, except for the purpose of satisfying and discharging the interest on said bonds, or for the payment of such bonds, and to defray the expense of assessing and collecting such tax, and for the payment of principal and interest due or to become due to the United States under any contract between the district and the United States accompanying which bonds of the district have not been deposited with the United States, as in Section 21 hereof provided, such fund shall be paid out upon order of the directors of such district upon warrants drawn therefor, as hereinbefore provided, and at the time of such payment the depository for such district shall receive and cancel any interest coupon so paid or any bond so paid, and when any such interest coupon or bond has been paid it shall be delivered to the directors and be cancelled and destroyed.

SEC. 70. There shall also be created a fund to be known as "Maintenance and Operating Fund" and such fund shall consist of all moneys collected by assessment or otherwise for the maintenance and operation of the properties owned or acquired by such district, or for temporary annual rental due to the United States, and out of this fund shall be paid all expenses of operation of every kind except the expenses of assessing and collecting taxes for the interest and sinking fund; and for the payment of any balance due on construction or for extensions and improvements, not otherwise provided for, such debts to be paid upon warrants executed as otherwise provided herein.

SEC. 80. Where any such district proposed to be established lies partly within two or more counties a petition in accordance with the requirements of this Act shall be presented to the county commissioners court of each county in which a portion of said district shall lie. Said petition shall describe the whole district and also that portion of same in the county where said petition is presented. The court shall have jurisdiction over all matters, herein provided for, pertaining to the territory lying in their county. All notices and procedure provided for in this Act in the formation of such districts shall be followed and carried out by the court in each county as applying to the territory therein to be included in said district. The election herein

provided for, for the establishment of such district and the election of directors thereof shall be ordered as herein provided by the county commissioners court of each county in which any portion of said district shall lie, for the portion of said district in said county. Said election shall be ordered, provided for and conducted as if the territory lying in said county was in itself to be incorporated in such district, but such orders and notices shall state that same is part of such entire proposed district. The said election shall be held in the territory lying in each county on the same day. The returns of said election shall be made to the officers of the county wherein said election is held and shall be canvassed by the county commissioners court, as provided by law. Said court shall determine and certify to the number of votes cast in favor of the formation of said district and the number of votes cast against the formation of said district and the number of votes cast for each person voted for the office of directors. Within five days, or as soon as possible, after said election returns have been canvassed by said court, the clerk of the said commissioners court shall certify and report the result of said election and the number of votes polled for each side of said proposition and the number of votes polled for each person voted for for director to the county judge of the county in which the largest portion of said district is situated, and said county judge shall canvass said entire vote and determine the number of votes received for the formation of said entire district and the number of votes received against the formation of said entire district, and also the number of votes received by each person voted for as directors in said entire district, and shall declare the result thereof. If it be found and determined that a majority of the property tax paying voters voting thereon in said entire district have voted in favor of the creating of said district the said county judge shall declare the result thereof in the manner herein provided in Section 10 of this Act, and copies thereof shall be filed for record in the deed records of each county in which a part of the district lies as provided in Section 11 hereof. Said county judge shall issue to the five persons receiving the highest number of votes for the office of director certificates of their election. In the event two persons should receive the same number of votes the other directors elected may proceed to qualify as herein provided, and such directors so elected and qualified shall order a new election to fill such vacancy caused by such tie vote. The board of directors elected for such district shall qualify and meet as herein provided and shall have charge of the affairs of the district in the same manner as herein provided for districts lying wholly within one county. The bonds of such directors shall be approved by the commissioners court of the county embracing the part of said district in which they live or in which their property is situated.

SEC. 108. All districts organized under the provisions of this Act shall have full authority, acting by and through its board of directors, to construct all works and improvements necessary for the irrigation of lands in said districts, and to supply, deliver and sell water for domestic power, and commercial purposes when operating under the authority of Section 59 of Article 16 of the Constitution; and to

fully carry out the purpose of its organization and the conservation and use of water for the several purposes authorized by the Constitution and laws of this State, and to acquire the right to the use of water in the manner provided by law, and the directors of such districts, subject only to the provisions hereof, shall have full authority to manage such districts and the business of such districts for the purpose of carrying out the intention and purposes of the organization.

SEC. 2. There shall be added to said Act, being Chapter 87, Acts of the Thirty-fifth Legislature, Regular Session, providing for the organization and operation of water improvement districts, certain additional provisions embraced in Section 118a, 119, 120, 121 as follows; to wit:

'SEC. 118a. Whenever a district proposed to be organized as herein provided contains within its boundaries as proposed and described in the petition for organization, a town, city or municipal corporation, or part thereof, when the county commissioners court calling the election to determine said question as herein provided shall constitute said territory within said town, city or municipal corporation, a separate election precinct, with one or more polling places, and the vote received for and against the proposition within said town, city or municipal corporation shall be separately canvassed by the court to determine whether or not a majority of those voting at said election within said town, city or municipal corporation voted for or against said proposition. If a majority of those voting at said election within such town, city or municipal corporation vote against the formation of such district the same shall not be formed including such town, city or municipal corporation, but if the majority of the votes therein is in favor of the formation of such district then such votes shall be canvassed with the votes of the balance of said entire district to determine the result of said election.'

SEC. 119. The maintenance charges may be fixed as provided in Section 95 of this Act, or same may be determined upon the basis of the quantity of water used, and if based upon the use of water a fixed charge may be made on all lands or water connections entitled to receive and use water, and an additional charge may be made, or a graduated scale adopted, for the use of water in excess of that covered by the minimum charge. The district may install proper measuring devices.

SEC. 120. Where a district includes a city or town, or contracts with a city or town to supply it water, the charge for the use and delivery of such water, and the time and manner of payment therefor shall be determined by the board of directors and be specified in a standing order of said board.

SEC. 121. Any two or more irrigation districts, or water improvement districts, governed by the provisions of this Act and amendments thereof, may be consolidated into one district in the following manner: The terms and conditions upon which such consolidation is to be effected shall be agreed upon by the board of directors of each district, and then the question shall be submitted to a vote in each district after giving notice thereof for at least twenty days in

the manner provided by law for other elections. The election shall be held in such districts on the same day. The consolidation to be effected only in the event same is adopted by each and all such districts. When two or more districts are consolidated their obligations shall not be impaired but shall be protected and paid by taxes levied upon the property in the district creating said debt or by assessments in the same manner and extent as if said consolidation had not been effected. After consolidation such taxes shall be assessed and collected by the officers of the consolidated district and in the event they should fail or refuse to so assess and collect same, for such purpose, in due order and time, then same may be assessed and collected, and paid on such obligations, by a receiver appointed by and acting under the orders of a district court, in a proper suit which may be brought by a creditor or by five or more tax payers of such district. When two or more districts are consolidated into one district, same shall be governed as and be one district, except that the debts of each district, created prior to such consolidation, shall be paid as herein provided; provided, however, such consolidated district may contribute to such payments upon the terms stated in the consolidated agreement. When two or more districts are consolidated the officers of said respective districts shall continue to act jointly as the officers of said district, and to wind up, the affairs of their respective districts as affected by said consolidation, for a period of ninety days after the date of the election, and they may continue to so act until the next general election if so provided by the consolidation agreement, or the consolidation agreement may provide who shall constitute the first board of directors to serve until the next general election if the officers then serving agree to resign. Said new officers shall within the period of ninety days after the election qualify as such officers of the consolidated district and assume such offices at the expiration of said period. All bonds of such officers will be approved by the then existing boards of directors.

SEC. 3. Any and all Acts of the Legislature in conflict with the provisions hereof are repealed insofar as they conflict with the provisions hereof; provided this Act shall not in any manner affect or repeal other laws providing other methods of forming similar districts.

SEC. 4. The fact that there are water improvement districts now being formed in the State that cannot properly be organized or operate under the present law and that the promotion of the agricultural interests of a large portion of the State are seriously affected by the defects in the present law, constitute an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—S. B. No. 18 passed the Senate on July 10, 1919 by a vote of 25 yeas and 0 nays; and passed the House of Representatives on July 17, 1919 by a vote of 101 yeas and 0 nays.]

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